UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,938	07/15/2003	Robert S. Beck JR.	EXP.025A	6839

20995 7590 04/02/2008

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
STACE, BRENT S	

ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
04/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary	Application No.	Applicant(s)	
	10/619,938	BECK ET AL.	
	Examiner	Art Unit	
	BRENT STACE	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *54-73* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *54-73* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 November 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. This communication is responsive to the Amendment filed February 15th, 2008. Claims 54-73 are pending. In the Amendment filed February 15th, 2008, Claims 1-53 are canceled, and Claims 54, 60, and 66 are independent claims. This action is made FINAL.

Response to Arguments

2. Applicant's arguments, filed February 15th, 2008, with respect to Claims 54-73 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 66-69, 71, and 72 are rejected under 35 U.S.C. 102(b) as being anticipated by "How to interpret your Search Results" (Search Results).

Claim 66 can be mapped to Search Results as follows: "A method of targeting a web page to a user of a web portal, the method comprising:

- transmitting to a user computer encoded web pages of a web portal hosted by a web portal host, the encoded web pages being configured to be displayed to a user of the user computer and the web portal being configured to provide the user access to information and a plurality of services; [Search Results, p. 1, Fig.]
- transmitting to the user computer encoded information representing a set of questions to be displayed to the user as part of a web page of the web portal; [Search Results, p. 1, Fig.]
- providing an inducement to the user to answer the set of questions, the inducement being configured to distract the user from the information or services of the web portal but allowing the user to access information or services of the web portal without answering the set of questions; [Search Results, p. 1, Fig.]
- receiving one or more answers of the user to the set of questions; [Search Results, p. 1, Fig.]
- searching a database to identify a web page that is associated with the user's answers to the questions, wherein the association of the user's answers with the

web page is configured to ascertain the user's interest in the web page; [Search Results, p. 1, Fig.] and

- transmitting to the user computer encoded information representing the web page to be displayed to the user" [Search Results, p. 1, Fig.].

Claim 67 can be mapped to Search Results as follows: "The method of Claim 66, wherein the set of questions comprises one question" [Search Results, p. 1, Fig.].

Claim 68 can be mapped to Search Results as follows: "The method of Claim 66, wherein the set of questions comprises a plurality of questions and at least some of the plurality of questions are determined based at least in part on the user's answer to at least one previous question" [Search Results, p. 1, Fig.].

Claim 69 can be mapped to Search Results as follows: "The method of Claim 66, wherein searching the database to identify a web page comprises deriving keywords from the user's answers to the questions and searching the database for keywords associated with the web page" [Search Results, p. 1, Fig.].

Claim 71 can be mapped to Search Results as follows: "The method of Claim 66, wherein providing the inducement to answer the questions comprises providing a chance to win a prize" [Search Results, p. 1, Fig.].

Claim 72 can be mapped to Search Results as follows: "The method of Claim 66, wherein the web page associated with the user's answers comprises links to other web pages" [Search Results, p. 1, Fig.].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 54, 55, 57-61, 63-65, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over "How to interpret your Search Results" (Search Results) in view of "Google Launches Self-Service Advertising Program" (Google).

For **Claim 54**, Search Results teaches: "A method of targeting a web page to a user of a web portal, the method comprising:

- transmitting to a user computer encoded web pages of a web portal hosted by a web portal host, the encoded web pages being configured to be displayed to a user of the user computer and the web portal being configured to provide the user access to information and a plurality of services; [Search Results, p. 1. Fig]

- transmitting to the user computer encoded information representing a question to be displayed to the user as part of a web page of the web portal; [Search Results, p. 1. Fig]
- providing an inducement to the user to answer the question, the inducement being configured to distract the user from the information or services of the web portal but allowing the user to access information or services of the web portal without answering the question; [Search Results, p. 1. Fig]
- upon the user answering the question, receiving an answer of the user to the question; [Search Results, p. 1. Fig]
- searching a database to identify an additional question or a web page that is associated with the user's answer to the question, wherein the association of an answer with an additional question or with a web page is configured to ascertain the user's interest in the additional question or the web page; [Search Results, p. 1. Fig]
- if, upon searching the database, an additional question associated with the user's answer is identified, transmitting to the user computer encoded information representing the additional question to be displayed to the user as part of a web page of the web portal; [Search Results, p. 1. Fig] and
- if, upon searching the database, a web page associated with the user's answer is identified, transmitting to the user computer encoded information representing the web page to be displayed to the user" [Search Results, p. 1. Fig].

Search Results discloses the above limitations but does not expressly teach:

- "…wherein revenue is generated for the web portal host."

With respect to Claim 54, an analogous art, Google, teaches:

- "…wherein revenue is generated for the web portal host" [Google, p. 2, last paragraph].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Google and Search Results before him/her to combine Google with Search Results because both inventions are directed towards searching the web for relevant pages to a user query.

Google's invention would have been expected to successfully work well with Search Results's invention because both inventions use the Google search engine. Search Results discloses a sample page of search results comprising a portal with items that represent questions. However, Search Results does not expressly disclose the generation of revenue. Google discloses adwords comprising displaying sponsored links along with search results. These sponsored links generated revenue for the Google portal.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Google and Search Results before him/her to take the sponsored links from Google and install it into the invention of Search Results, thereby offering the obvious advantage of enabling any advertiser to purchase individualized and affordable keyword advertising that appears instantly on the google.com search results page (Google, p. 1, first paragraph).

Claim 55 can be mapped to Search Results (as modified by Google) as follows: "The method of Claim 54, wherein searching the database to identify an additional question or web page comprises deriving keywords from the user's answer to the question and searching the database for keywords associated with the additional question or the web page" [Search Results, p. 1, Fig. or with Google, p. 2, 2nd paragraph].

Claim 57 can be mapped to Search Results (as modified by Google) as follows: "The method of Claim 54, wherein providing the inducement to answer the question comprises providing a chance to win a prize" [Search Results, p. 1, Fig.].

Claim 58 can be mapped to Search Results (as modified by Google) as follows: "The method of Claim 54, wherein the web page associated with the user's answer comprises links to other web pages" [Search Results, p. 1, Fig.].

Claim 59 can be mapped to Search Results (as modified by Google) as follows: "The method of Claim 58, wherein at least one of the links to other web pages is a link sponsored by an advertiser" [Google, p. 2, 2nd paragraph].

Claims 60, 61, and 63-65 encompass substantially the same scope of the invention as that of Claims 54, 55, and 57-59, respectfully, in addition to a methos and some steps for performing the method steps of Claims 54, 55, and 57-59, respectfully. Therefore, Claims 60, 61, and 63-65 are rejected for the same reasons as stated above with respect to Claims 54, 55, and 57-59, respectfully.

For **Claim 73**, Search Results teaches: "The method of Claim 72."

Google discloses the above limitation but does not expressly teach: "…wherein at least one of the links to other web pages is a link sponsored by an advertiser."

With respect to Claim 73, an analogous art, Google, teaches: "…wherein at least one of the links to other web pages is a link sponsored by an advertiser" [Google, p. 2, 2nd paragraph].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Google and Search Results before him/her to combine Google with Search Results because both inventions are directed towards searching the web for relevant pages to a user query.

Google's invention would have been expected to successfully work well with Search Results's invention because both inventions use the Google search engine. Search Results discloses a sample page of search results comprising a portal with items that represent questions. However, Search Results does not expressly disclose the generation of revenue. Google discloses adwords comprising displaying sponsored links along with search results. These sponsored links generated revenue for the Google portal.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Google and Search Results before him/her to take the sponsored links from Google and install it into the invention of Search Results, thereby offering the obvious advantage of enabling any advertiser to purchase individualized and affordable keyword advertising that appears instantly on the google.com search results page (Google, p. 1, first paragraph).

9. Claims 56 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over "How to interpret your Search Results" (Search Results) in view of "Google Launches Self-Service Advertising Program" (Google), further in view of U.S. Patent Application Publication No. 2002/0002489 (Miller et al.).

For **Claim 56**, Search Results (as modified by Google) teaches: "The method of Claim 54, wherein providing the inducement to answer the question comprises."

Search Results (as modified by Google) discloses the above limitation but does not expressly teach: "…providing a monetary reward."

With respect to Claim 56, an analogous art, Miller, teaches: "…providing a monetary reward" [Miller, paragraph [0068]].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Miller and Search Results (as modified by Google) before him/her to combine Miller with Search Results (as modified by Google) because both inventions are directed towards answering questions and inducing users.

Miller's invention would have been expected to successfully work well with Search Results (as modified by Google)'s invention because both inventions use the internet with web pages for a means of user inducement. Search Results (as modified by Google) discloses a web search engine comprising search results and sponsored links. However, Search Results (as modified by Google)does not expressly disclose providing a monetary reward. Miller discloses an Internet-based promotional business

model comprising inducing users to .participate in a survey by providing a monetary incentive.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Miller and Search Results (as modified by Google) before him/her to take the monetary incentive from Miller and install it into the invention of Search Results (as modified by Google), thereby offering the obvious advantage of providing a reward for the user accomplishing the question(s) (and ultimately operating the computer tangential to the user's intended purpose) [Miller, paragraph [0003]].

Claim 62 encompasses substantially the same scope of the invention as that of Claim 56, in addition to a method and some steps for performing the method steps of Claim 56. Therefore, Claim 62 is rejected for the same reasons as stated above with respect to Claim 56.

10. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over "How to interpret your Search Results" (Search Results) in view of U.S. Patent Application Publication No. 2002/0002489 (Miller et al.).

For **Claim 70**, Search Results teaches: "The method of Claim 66, wherein providing the inducement to answer the questions comprises."

Search Results discloses the above limitation but does not expressly teach: "…providing a monetary reward."

With respect to Claim 70, an analogous art, Miller, teaches: "…providing a monetary reward [Miller, paragraph [0068]].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Miller and Search Results before him/her to combine Miller with Search Results because both inventions are directed towards answering questions and inducing users.

Miller's invention would have been expected to successfully work well with Search Result's invention because both inventions use the internet with web pages for a means of user inducement. Search Results discloses a web search engine comprising search results. However, Search Results does not expressly disclose providing a monetary reward. Miller discloses an Internet-based promotional business model comprising inducing users to .participate in a survey by providing a monetary incentive.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Miller and Search Results before him/her to take the monetary incentive from Miller and install it into the invention of Search Results, thereby offering the obvious advantage of providing a reward for the user accomplishing the question(s) (and ultimately operating the computer tangential to the user's intended purpose) [Miller, paragraph [0003]].

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

12. Any prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on any PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu M. Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/B. S./
Examiner, Art Unit 2161

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161